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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LAWANDA JOHNSON, an
 Individual and as a Successor in
 Interest to Raymond Johnson; THE
 ESTATE OF RAYMOND
 JOHNSON; LORENZO
 JOHNSON, an Individual, DIANIA
 RIVAS, an Individual, QUEON
 BOYD ISLAM, an Individual and
 as a Successor in Interest to
 Raymond Johnson; LASIERRA
 CAIN, an Individual and as a
 Successor in Interest to Raymond
 Johnson; R.J., a minor and as a
 Successor in Interest to Raymond
 Johnson by and through his
 Guardian Ad Litem, SAMUEL
 HOUSE; and R.L.J., a minor and as
 a Successor in Interest to Raymond
 Johnson by and through his
 Guardian Ad Litem SAMUEL
 HOUSE,

Plaintiffs,

vs.

THE COUNTY OF RIVERSIDE;
 THE CITY OF MORENO
 VALLEY; DEPUTY RICHARD
 REYES #4388, individually and as
 a peace officer; DEPUTY
 DEYLAN KENNEDY #4823,
 individually and as a peace officer;
 CPL DAVID CLARK #3876,

CASE NO.: EDCV 14-0013 VAP
 (DTBx)

**SECOND AMENDED
 COMPLAINT FOR DAMAGES**

- 1. Unreasonable Search and Seizure - Detention and Arrest
 42 U.S.C. § 1983**
- 2. Excessive Force and Denial of Medical Care - 42 U.S.C. § 1983**
- 3. Substantive Due Process - 42 U.S.C. § 1983**
- 4. Interference with Familial Relationship and Freedom of Association - 42 U.S.C. § 1983**
- 5. Municipal Liability for Unconstitutional Custom or Policy - 42 U.S.C. § 1983**
- 6. False Arrest – Wrongful Death**
- 7. Battery - Cal. Govt. Code § 820 – Wrongful Death**
- 8. Negligence – Cal. Govt. Code § 820 – Wrongful Death**

JURY TRIAL DEMANDED

1 individually and as a peace officer;
 2 SGT. JOHN CARLBERG #2290,
 3 individually and as a peace officer;
 4 CPL KARL SMITH #2411,
 5 individually and as a peace officer;
 6 DEPUTY DENNIS PLETA #3252,
 7 individually and as a peace officer;
 8 DEPUTY ELVIS MORALES
 9 #4114, individually and as a peace
 10 officer; DEPUTY CHRIS LOUCKS
 11 #3774, individually and as a peace
 12 officer; and DOES 1-10, Inclusive,

Defendants.

9 COMES NOW LAWANDA JOHNSON, an Individual and as a Successor in
 10 Interest to Raymond Johnson; THE ESTATE OF RAYMOND JOHNSON;
 11 LORENZO JOHNSON, an Individual, DIANIA RIVAS, an Individual, QUEON
 12 BOYD ISLAM, an Individual and as a Successor in Interest to Raymond Johnson;
 13 LASIERRA CAIN, an Individual and as a Successor in Interest to Raymond
 14 Johnson; R.J., a minor and as a Successor in Interest to Raymond Johnson by and
 15 through his Guardian Ad Litem, SAMUEL HOUSE; R.L.J., a minor and as a
 16 Successor in Interest to Raymond Johnson by and through his Guardian Ad Litem
 17 SAMUEL HOUSE; and DOES 1-10, Inclusive, allege as follows:

20 INTRODUCTION

21 1. This civil rights action seeks compensatory and punitive damages
 22 from Defendants for violating various rights under the United States Constitution
 23 and state law in connection with the fatal police beating of the DECEDENT,
 24 Raymond Johnson.

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PARTIES

2. At all relevant times herein, THE ESTATE OF RAYMOND JOHNSON (hereinafter referred to as “DECEDENT”) was an individual residing in the City of Moreno Valley, County of Riverside, California.

3. At all relevant times herein, Plaintiff LAWANDA JOHNSON was an individual residing in the City of Moreno Valley, County of Riverside, California and is the widow of DECEDENT. LAWANDA JOHNSON sues in her individual capacity as the widow of DECEDENT and as successor in interest, pursuant to Section 377.30 of the California Code of Civil Procedure and representative of the estate.

4. At all relevant times herein, Plaintiff LORENZO JOHNSON was an individual residing in the City of Long Beach, County of Los Angeles, California and is the natural father of DECEDENT. LORENZO JOHNSON sues in his individual capacity.

5. At all relevant times herein, Plaintiff DIANIA RIVAS was an individual residing in the City of Torrance, County of Los Angeles, California and is the natural mother of DECEDENT. DIANIA RIVAS sues in her individual capacity. DECEDENT was DIANA RIVAS’ only son.

6. At all relevant times herein, Plaintiff QUEON BOYD ISLAM was an individual residing in the City of Moreno Valley, County of Riverside, California and is the surviving biological son of DECEDENT. QUEON BOYD ISLAM sues in his individual capacity as the surviving biological son of DECEDENT and as a Successor in Interest to Raymond Johnson.

7. At all relevant times herein, Plaintiff LASIERRA CAIN was an individual residing in the City of Moreno Valley, County of Riverside, California

1 and is the surviving step-daughter of DECEDENT. LASIERRA CAIN sues in her
2 individual capacity as the surviving putative daughter of DECEDENT pursuant to
3 Section 377.60 of the California Code of Civil Procedure and as a Successor in
4 Interest to Raymond Johnson. LASIERRA CAIN was raised by DECEDENT from
5 the day of her birth until DECEDENT was unlawfully beaten to death by
6 Defendants. DECEDENT was the only father that LASIERRA CAIN knew.
7 DECEDENT was LASIERRA CAIN's putative father. LASIERRA CAIN and
8 DECEDENT maintained a parent-child relationship from the time LASIERRA
9 CAIN's birth until DECEDENT's death and DECEDENT would have adopted
10 LASIERRA CAIN but for a legal barrier pursuant to Probate Code Section 6454.

11 8. At all relevant times herein, Plaintiff R.J. was a minor residing in the
12 City of Moreno Valley, County of Riverside, California and is the biological son of
13 DECEDENT. R.J. sues in his individual capacity and as a Successor in Interest to
14 Raymond Johnson by and through his Guardian Ad Litem, SAMUEL HOUSE.

15 9. At all relevant times herein, Plaintiff R.L.J. was a minor residing in
16 the City of Moreno Valley, County of Riverside, California and is the biological
17 son of DECEDENT. R.L.J. sues in his individual capacity and as a Successor in
18 Interest to Raymond Johnson by and through his Guardian Ad Litem, SAMUEL
19 HOUSE.
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21 10. At all relevant times herein, Defendant THE COUNTY OF
22 RIVERSIDE (hereinafter "County") and the CITY OF MORENO VALLEY
23 (hereinafter "City") are incorporated public entities duly authorized and existing as
24 such in and under the laws of the State of California; and at all times herein
25 mentioned, Defendant COUNTY and CITY has possessed the power and authority
26 to adopt policies and prescribe rules, regulations and practices affecting the
27 operation of the Riverside County Sheriff Department and Police Department and
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1 its tactics, methods, practices, customs and usage. At all relevant times, COUNTY
 2 and CITY was the employer Defendants DEPUTY RICHARD REYES #4388,
 3 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 4 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 5 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 6 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 7 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 8 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 9 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 who were
 10 COUNTY sheriff's deputies, CITY police officers, managerial, supervisorial, and
 11 policymaking employees of COUNTY Sheriff's Department and CITY Police
 12 Department. On information and belief, at all relevant times, Defendant DOES 1-
 13 10 were residents of the County of Riverside, California and the City of Moreno
 14 Valley, California. Defendant DOES 1-10 are sued in their individual and official
 15 capacity.

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 17 11. At all relevant times, Defendants DEPUTY RICHARD REYES
 18 #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY
 19 #4823, individually and as a peace officer; CPL DAVID CLARK #3876,
 20 individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually
 21 and as a peace officer; CPL KARL SMITH #2411, individually and as a peace
 22 officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer;
 23 DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
 24 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
 25 1-10 were duly authorized employees and agents of COUNTY and CITY, who
 26 were acting under color of law within the course and scope of their respective
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1 duties as sheriff's deputies and police officers and within the complete authority
2 and ratification of their principal, Defendant COUNTY and CITY.

3 12. At all relevant times, Defendants DEPUTY RICHARD REYES
4 #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY
5 #4823, individually and as a peace officer; CPL DAVID CLARK #3876,
6 individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually
7 and as a peace officer; CPL KARL SMITH #2411, individually and as a peace
8 officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer;
9 DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
10 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
11 1-10 were duly appointed deputies/officers and/or employees or agents of
12 COUNTY and CITY, subject to oversight and supervision by COUNTY's and
13 CITY's elected and non-elected officials.

14 13. In doing the acts and failing and omitting to act as hereinafter
15 described, Defendants DEPUTY RICHARD REYES #4388, individually and as a
16 peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace
17 officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT.
18 JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
19 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
20 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
21 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
22 individually and as a peace officer; and DOES 1-10 were acting on the implied and
23 actual permission and consent of COUNTY and CITY.

24 14. At all times mentioned herein, each and every COUNTY and CITY
25 defendant was the agent of each and every other COUNTY and CITY defendant
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1 and had the legal duty to oversee and supervise the hiring, conduct and
2 employment of each and every COUNTY and CITY defendant.

3 15. At all relevant times, Defendants DEPUTY RICHARD REYES
4 #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY
5 #4823, individually and as a peace officer; CPL DAVID CLARK #3876,
6 individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually
7 and as a peace officer; CPL KARL SMITH #2411, individually and as a peace
8 officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer;
9 DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
10 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
11 1-10 were working for both Defendants COUNTY and CITY as police officers and
12 sheriff's deputies.

13 16. Plaintiffs are unaware of the true names and capacities of those
14 Defendants named herein as DOES 1-10 Defendants. Plaintiffs will amend this
15 Complaint to allege said Defendants' true names and capacities when that
16 information becomes known to Plaintiffs. Plaintiffs are informed and believes, and
17 thereon alleges that these DOES 1-10 are legally responsible and liable for the
18 incident, injuries, and damages hereinafter set forth, and that each of said
19 Defendants proximately caused the injuries and damages by reason of negligent,
20 careless, deliberately indifferent, intentional, willful, or wanton misconduct,
21 including the negligent, careless, deliberately indifferent, intentional, willful, or
22 wanted misconduct in creating and otherwise causing the incidents, conditions, and
23 circumstances hereinafter set forth, or by reason of direct or imputed negligence or
24 vicarious fault or breach of duty arising out of the matters herein alleged. Plaintiffs
25 will seek to amend this Complaint to set forth said true names and identities of the
26 unknown named DOE Defendants when they are ascertained.
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1 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
2 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
3 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
4 individually and as a peace officer; and DOES 1-10 who were COUNTY sheriff's
5 deputies and CITY police officers, had neither reasonable suspicion to detain
6 DECEDENT nor probable cause to arrest him.

7 24. Defendants DEPUTY RICHARD REYES #4388, individually and as
8 a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a
9 peace officer; CPL DAVID CLARK #3876, individually and as a peace officer;
10 SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
11 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
12 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
13 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
14 individually and as a peace officer; and DOES 1-10, while acting in the course and
15 scope of their employment with COUNTY and CITY, negligently assessed the
16 circumstances presented to them and violently confronted DECEDENT without
17 having probable cause to believe that DECEDENT had committed a crime, or
18 would commit a crime in the future.

19 25. Without warning, Defendants DEPUTY RICHARD REYES #4388,
20 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
21 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
22 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
23 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
24 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
25 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
26 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 broke
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1 DECEDENTS automobile driving side front and back windows with their batons
2 and proceeded to assault and batter DECEDENT by acts which included, but were
3 not limited to, repeatedly and unjustifiably hitting DECEDENT with their batons
4 in his head and other parts of his body, stomping on DECEDENT's head and chest
5 with their boots, using a taser on DECEDENT, using pepper spray on DECEDENT
6 and punching, hitting and kicking DECEDENT all over his body, which proved to
7 be fatal. DECEDENT died as a proximate and direct cause of blunt force trauma
8 to his head. DECEDENT's ribcage was also crushed as a proximate and direct
9 result of Defendants stomping on DECEDENTS chest, which was also a related
10 and contributing cause of death.

11 26. At no time during the course of these events did DECEDENT pose
12 any reasonable threat of violence to the defendant deputies, nor did he do anything
13 to justify the use of deadly, excessive, unreasonable and unnecessary force against
14 him, by the defendant deputies.

15 27. Both prior to and during the time in which DECEDENT was beaten to
16 death by Defendants, he was not armed with any kind of weapon, and posed no
17 reasonable or credible threat of violence to Defendants, nor to any other individual.

18 28. Both prior to and during the time in which DECEDENT was beaten to
19 death by defendants, DECEDENT made no aggressive movements, no furtive
20 gestures, and no physical movements which would suggest to a reasonable deputy
21 and officer that the DECEDENT was armed with any kind of weapon, or had the
22 will, or the ability to inflict substantial bodily harm against any individual, deputy
23 or officer.

24 29. DECEDENT was beaten to death at the scene of the incident by the
25 Defendants.
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1 30. On information and belief, Defendants DEPUTY RICHARD REYES
2 #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY
3 #4823, individually and as a peace officer; CPL DAVID CLARK #3876,
4 individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually
5 and as a peace officer; CPL KARL SMITH #2411, individually and as a peace
6 officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer;
7 DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
8 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; or DOE
9 Deputies/Officers had no information that DECEDENT had committed any crime.

10 31. LASIERRA CAIN was dependent on the DECEDENT, including
11 financially dependent.

12 32. DIANIA RIVAS was dependent on the DECEDENT, including
13 financially dependent.

14 33. LORENZO JOHNSON was dependent on the DECEDENT, including
15 financially dependent.
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17 **FIRST CAUSE OF ACTION**

18 **Unreasonable Search and Seizure - Detention and Arrest 42 U.S.C. § 1983**
19 **(Plaintiffs LAWANDA JOHNSON, QUEON BOYD ISLAM, LASIERRA**
20 **CAIN, R.J., and R.L.J. against all Defendants and DOES 1-10, inclusive)**

21 34. Plaintiffs repeat and reallege each and every allegation in paragraphs
22 1 through 33 of this Complaint with the same force and effect as if fully set forth
23 herein.

24 35. Defendants DEPUTY RICHARD REYES #4388, individually and as
25 a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a
26 peace officer; CPL DAVID CLARK #3876, individually and as a peace officer;
27 SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
28

1 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 2 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 3 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 4 individually and as a peace officer; and DOES 1-10 caused DECEDENT to be
 5 detained and arrested in violation of his right to be secure in his person against
 6 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
 7 Amendment to the United States Constitution and applied to state actors by the
 8 Fourteenth Amendment.

9 36. As a result of the conduct of Defendants DEPUTY RICHARD
 10 REYES #4388, individually and as a peace officer; DEPUTY DEYLAN
 11 KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK
 12 #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290,
 13 individually and as a peace officer; CPL KARL SMITH #2411, individually and as
 14 a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace
 15 officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
 16 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
 17 1-10, they are liable for DECEDENT's injuries, either because they were integral
 18 participants in the wrongful detention and arrest, or because they failed to
 19 intervene to prevent violations.
 20

21 37. The DECEDENT was detained without reasonable suspicion and
 22 arrested without probable cause.

23 38. The conduct of Defendants DEPUTY RICHARD REYES #4388,
 24 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 25 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 26 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 27 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 28

1 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 2 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 3 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 was willful,
 4 wanton, malicious, and done with reckless disregard for the rights and safety of
 5 DECEDENT and therefore warrants the imposition of exemplary and punitive
 6 damages as to Defendant DOES.

7 39. LAWANDA JOHNSON, QUEON BOYD ISLAM, LASIERRA
 8 CAIN, R.J., and R.L.J. seeks damages as successors-in-interest to DECEDENT
 9 and representative of the DECEDENT's estate in the amount of \$30,000,000.00.

10 40. Plaintiffs also seek attorney fees under this claim pursuant to 42
 11 U.S.C. § 1988.

12 SECOND CAUSE OF ACTION

13 Excessive Force and Denial of Medical Care 42 U.S.C. § 1983

14 (Plaintiffs LAWANDA JOHNSON, QUEON BOYD ISLAM, LASIERRA
 15 CAIN, R.J., and R.L.J. against all Defendants and DOES 1-10, Inclusive)
 16

17 41. Plaintiffs repeat and reallege each and every allegation in paragraphs
 18 1 through 40 of this Complaint with the same force and effect as if fully set forth
 19 herein.

20 42. Defendants DEPUTY RICHARD REYES #4388, individually and as
 21 a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a
 22 peace officer; CPL DAVID CLARK #3876, individually and as a peace officer;
 23 SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 24 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 25 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 26 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 27 individually and as a peace officer; and DOES 1-10 unjustified beating deprived
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1 DECEDENT on his right to be secure in his person against unreasonable searches
 2 and seizures as guaranteed to DECEDENT under the Fourth Amendment of the
 3 United States Constitution and applied to state actors by the Fourteenth
 4 Amendment.

5 43. The unreasonable use of force by Defendants DEPUTY RICHARD
 6 REYES #4388, individually and as a peace officer; DEPUTY DEYLAN
 7 KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK
 8 #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290,
 9 individually and as a peace officer; CPL KARL SMITH #2411, individually and as
 10 a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace
 11 officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
 12 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
 13 1-10 deprived the DECEDENT of his right to be secure in his person against
 14 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
 15 Amendment of the United States Constitution and applied to state actors by the
 16 Fourteenth Amendment.
 17

18 44. As a result, DECEDENT suffered extreme pain and suffering and
 19 eventually suffered a loss of life and of earning capacity for which THE ESTATE
 20 OF RAYMOND JOHNSON is entitled to recover damages. Plaintiffs have also
 21 been deprived of their life-long love, companionship, comfort, support, society,
 22 care, and sustenance of DECEDENT, and will continue to be so deprived for the
 23 remainder of their natural lives. Plaintiffs are also claiming funeral and burial
 24 expenses, loss of gifts and benefits and loss of financial support.

25 45. As a result of the conduct of Defendants DEPUTY RICHARD
 26 REYES #4388, individually and as a peace officer; DEPUTY DEYLAN
 27 KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK
 28

1 #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290,
 2 individually and as a peace officer; CPL KARL SMITH #2411, individually and as
 3 a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace
 4 officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
 5 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
 6 1-10, they are liable for DECEDENT's injuries, either because they were integral
 7 participants in the excessive force, or because they failed to intervene to prevent
 8 these violations.

9 46. Defendants DEPUTY RICHARD REYES #4388, individually and as
 10 a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a
 11 peace officer; CPL DAVID CLARK #3876, individually and as a peace officer;
 12 SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 13 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 14 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 15 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 16 individually and as a peace officer; and DOES 1-10 knew that failure to provide
 17 timely medical treatment to DECEDENT could result in further significant injury
 18 or the unnecessary and wanton infliction of pain, but disregarded that serious
 19 medical need, causing him great bodily harm and death.

21 47. This use of deadly force was excessive and unreasonable under the
 22 circumstances, especially since DECEDENT was unarmed before, during and after
 23 he was beaten to death. Defendants DEPUTY RICHARD REYES #4388,
 24 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 25 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 26 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 27 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 28

1 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 2 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 3 LOUCKS #3774, individually and as a peace officer; and DOES 1-10's actions
 4 thus deprived DECEDENT of his right to be free from unreasonable searches and
 5 seizures under the Fourth Amendment and applied to state actors by the Fourteenth
 6 Amendment.

7 48. The conduct of Defendants DEPUTY RICHARD REYES #4388,
 8 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 9 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 10 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 11 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 12 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 13 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 14 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 was willful,
 15 wanton, malicious, and done with reckless disregard for the rights and safety of
 16 DECEDENT and therefore warrants the imposition of exemplary and punitive
 17 damages as to Defendant DOES.
 18

19 49. LAWANDA JOHNSON, QUEON BOYD ISLAM, LASIERRA
 20 CAIN, R.J., and R.L.J. seeks damages as successors-in-interest to DECEDENT
 21 and representative of the DECEDENT's estate in the amount of \$30,000,000.00.
 22

23 50. Plaintiffs also seek attorney fees under this claim pursuant to 42
 24 U.S.C. § 1988.

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THIRD CAUSE OF ACTION

Substantive Due Process - 42 U.S.C. § 1983

**(Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS,
QUEON BOYD ISLAM, LASIERRA CAIN, R.J., and R.L.J., against all
Defendants and DOES 1-10, Inclusive)**

51. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 50 of this Complaint with the same force and effect as if fully set forth herein.

52. LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS, QUEON BOYD ISLAM, LASIERRA CAIN, R.J., and R.L.J. had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive them from life, liberty, or property in such a manner as to shock the conscious, including but not limited to, unwarranted state interference in Plaintiffs' familial relationship with DECEDENT.

53. DECEDENT had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive them from life, liberty, or property in such a manner as to shock the conscious.

54. As a result of the continuous beating, punching, kicking, and stomping by the Defendants DEPUTY RICHARD REYES #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,

1 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 2 individually and as a peace officer; and DOES 1-10, DECEDENT died.
 3 LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS, QUEON
 4 BOYD ISLAM, LASIERRA CAIN, R.J., and R.L.J. were thereby deprived of their
 5 constitutional right of familial relationship with DECEDENT.

6 55. Defendants DEPUTY RICHARD REYES #4388, individually and as
 7 a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a
 8 peace officer; CPL DAVID CLARK #3876, individually and as a peace officer;
 9 SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 10 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 11 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 12 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 13 individually and as a peace officer; and DOES 1-10, acting under the color of state
 14 law, thus violated the Fourteenth Amendment of LAWANDA JOHNSON,
 15 LORENZO JOHNSON, DIANIA RIVAS, QUEON BOYD ISLAM, LASIERRA
 16 CAIN, R.J., and R.L.J. to be free from unwarranted interference with their familial
 17 relationship with DECEDENT.
 18

19 56. The aforementioned actions of Defendants DEPUTY RICHARD
 20 REYES #4388, individually and as a peace officer; DEPUTY DEYLAN
 21 KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK
 22 #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290,
 23 individually and as a peace officer; CPL KARL SMITH #2411, individually and as
 24 a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace
 25 officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
 26 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
 27 1-10, along with other undiscovered conduct, shook the conscious, in that they
 28

1 acted with deliberate indifference to the constitutional rights of DECEDENT and
 2 LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS, QUEON
 3 BOYD ISLAM, LASIERRA CAIN, R.J., and R.L.J., and with purpose to harm
 4 unrelated to any legitimate law enforcement objective.

5 57. As a direct and proximate cause of the acts of the Defendants
 6 DEPUTY RICHARD REYES #4388, individually and as a peace officer;
 7 DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL
 8 DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN
 9 CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH
 10 #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252,
 11 individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 12 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 13 individually and as a peace officer; and DOES 1-10, DECEDENT experienced
 14 severe pain and suffering and lost his life and earning capacity for which THE
 15 ESTATE OF RAYMOND JOHNSON is entitled to recover damages. Plaintiffs
 16 have also been deprived of their life-long love, companionship, comfort, support,
 17 society, care and sustenance of DECEDENT, and will continue to be so deprived
 18 for the remainder of their natural lives. Plaintiffs are also claiming funeral and
 19 burial expenses, loss of gifts and benefits and a loss of financial support.
 20

21 58. The conduct of Defendants DEPUTY RICHARD REYES #4388,
 22 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 23 individually and as a peace officer; DEPUTY DAVID CLARK, individually and
 24 as a peace officer; CPL DAVID CLARK #3876, individually and as a peace
 25 officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL
 26 KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS
 27 PLETA #3252, individually and as a peace officer; DEPUTY ELVIS MORALES
 28

1 #4114, individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 2 individually and as a peace officer; and DOES 1-10 was willful, wanton, malicious,
 3 and done with reckless disregard for the rights and safety of DECEDENT and
 4 therefore warrants the imposition of exemplary and punitive damages as to
 5 Defendants DEPUTY RICHARD REYES #4388, individually and as a peace
 6 officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace
 7 officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT.
 8 JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 9 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 10 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 11 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 12 individually and as a peace officer; and DOES 1-10.

13 59. LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS,
 14 QUEON BOYD ISLAM, LASIERRA CAIN, R.J., and R.L.J. seek damages in the
 15 amount of \$30,000,000.00 and \$50,000,000.00 in punitive damages.
 16

17 60. Plaintiffs also seek attorney fees under this claim pursuant to 42
 18 U.S.C. § 1988.

19 **FOURTH CAUSE OF ACTION**

20 **Interference with Familial Relationship and Freedom of Association - 42**

21 **U.S.C. § 1983**

22 **(Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS,**
 23 **QUEON BOYD ISLAM, LASIERRA CAIN, R.J., and R.L.J., against all**
 24 **Defendants and DOES 1-10, Inclusive)**

25 61. Plaintiffs repeat and reallege each and every allegation in paragraphs
 26 1 through 60 of this Complaint with the same force and effect as if fully set forth
 27 herein.
 28

1 62. Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA
2 RIVAS, QUEON BOYD ISLAM, R.J., and R.L.J. had a cognizable interest under
3 the Due Process Clause of the Fourteenth Amendment of the United States
4 Constitution to be free from state actions that deprive them of life, liberty, or
5 property in such a manner as to shock the conscience, including but not limited to,
6 unwarranted state interference in their familial relationship with their father,
7 DECEDENT.

8 63. LASIERRA CAIN also had a cognizable interest under the Free
9 Association Clause of the First Amendment of the United States Constitution to
10 continued association with her step-father, DECEDENT. The First Amendment
11 protects those relationships that presuppose deep attachments and commitments to
12 the necessarily few other individuals with whom one shares not only a special
13 community of thoughts, experiences, and beliefs but also distinctively personal
14 aspects of one's life.

15 64. LASIERRA CAIN was raised by DECEDENT from the day of her
16 birth until DECEDENT was unlawfully beaten to death by Defendants DEPUTY
17 RICHARD REYES #4388, individually and as a peace officer; DEPUTY
18 DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID
19 CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG
20 #2290, individually and as a peace officer; CPL KARL SMITH #2411,
21 individually and as a peace officer; DEPUTY DENNIS PLETA #3252,
22 individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
23 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
24 individually and as a peace officer; and DOES 1-10. DECEDENT was the only
25 father that LASIERRA CAIN knew.
26
27
28

65. As a result of the excessive force by Defendants DEPUTY RICHARD REYES #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES 1-10 and the failure of Defendants DEPUTY RICHARD REYES #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES 1-10 to intervene, DECEDENT died. Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS, QUEON BOYD ISLAM, R.J., and R.L.J. were thereby deprived of their constitutional right and familial relationship with DECEDENT, and Plaintiff LASIERRA CAIN was deprived of her constitutional right and freedom of association with her step-father, DECEDENT.

66. Defendants DEPUTY RICHARD REYES #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA

1 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 2 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 3 individually and as a peace officer; and DOES 1-10, acting under color of state
 4 law, thus violated the Fourteenth and Amendment rights of LAWANDA
 5 JOHNSON, LORENZO JOHNSON, DIANIA RIVAS, QUEON BOYD ISLAM,
 6 R.J., and R.L.J. to be free from unwarranted interference with their familial
 7 relationship with DECEDENT, and the First Amendment rights of LASIERRA
 8 CAIN to be free from unwarranted interference with her constitutional right to
 9 freedom of association with DECEDENT.

10 67. The aforementioned actions of Defendants DEPUTY RICHARD
 11 REYES #4388, individually and as a peace officer; DEPUTY DEYLAN
 12 KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK
 13 #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290,
 14 individually and as a peace officer; CPL KARL SMITH #2411, individually and as
 15 a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace
 16 officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
 17 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
 18 1-10, along with other undiscovered conduct, shock the conscience, in that they
 19 acted with deliberate indifference to the constitutional rights of DECEDENT and
 20 Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS,
 21 QUEON BOYD ISLAM, R.J., and R.L.J. and LASIERRA CAIN and with purpose
 22 to harm unrelated to any legitimate law enforcement objective.
 23

24 68. As a direct and proximate cause of the acts of Defendants DEPUTY
 25 RICHARD REYES #4388, individually and as a peace officer; DEPUTY
 26 DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID
 27 CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG
 28

1 #2290, individually and as a peace officer; CPL KARL SMITH #2411,
 2 individually and as a peace officer; DEPUTY DENNIS PLETA #3252,
 3 individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 4 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 5 individually and as a peace officer; and DOES 1-10, Plaintiffs have also been
 6 deprived of the life-long comfort, support, society, care and sustenance of
 7 DECEDENT, and will continue to be so deprived for the remainder of their natural
 8 lives. Plaintiffs are also claiming funeral and burial expenses, loss of gifts and
 9 benefits and a loss of financial support.

10 69. The conduct of Defendants DEPUTY RICHARD REYES #4388,
 11 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 12 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 13 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 14 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 15 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 16 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 17 LOUCKS #3774, individually and as a peace officer; and DOES 1-10, was
 18 malicious, oppressive and in reckless disregard for the rights and safety of
 19 DECEDENT and Plaintiffs, and therefore warrants the imposition of exemplary
 20 and punitive damages as to Defendants DEPUTY RICHARD REYES #4388,
 21 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 22 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 23 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 24 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 25 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 26
 27
 28

1 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
2 LOUCKS #3774, individually and as a peace officer; and DOES 1-10.

3 70. Decedent's successors-in-interest seek wrongful death damages under
4 this claim.

5 6 **FIFTH CAUSE OF ACTION**

7 **Municipal Liability for Unconstitutional Custom or Policy - 42 U.S.C. § 1983**
8 **(Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS,**
9 **QUEON BOYD ISLAM, LASIERRA CAIN, R.J., R.L.J., THE ESTATE OF**
10 **RAYMOND JOHNSON against Defendants COUNTY and CITY)**

11 71. Plaintiffs repeat and reallege each and every allegation in paragraphs
12 1 through 70 of this Complaint with the same force and effect as if fully set forth
13 herein.

14 72. On information and belief Defendants DEPUTY RICHARD REYES
15 #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY
16 #4823, individually and as a peace officer; CPL DAVID CLARK #3876,
17 individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually
18 and as a peace officer; CPL KARL SMITH #2411, individually and as a peace
19 officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer;
20 DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
21 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
22 1-10 who beat DECEDENT to death, who was unarmed, was ratified by COUNTY
23 sheriff's department and CITY's police department supervisory officers.
24

25 73. On information and belief, DEPUTY RICHARD REYES #4388,
26 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
27 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
28

1 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 2 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 3 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 4 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 5 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 were not
 6 disciplined for beating DECEDENT to death, who was unarmed and did not pose a
 7 risk to Defendants DEPUTY RICHARD REYES #4388, individually and as a
 8 peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace
 9 officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT.
 10 JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 11 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 12 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 13 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 14 individually and as a peace officer; and DOES 1-10.

15
 16 74. On and for some time prior to October 11, 2013, (and continuing to
 17 the present day) Defendants DEPUTY RICHARD REYES #4388, individually and
 18 as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a
 19 peace officer; CPL DAVID CLARK #3876, individually and as a peace officer;
 20 SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 21 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 22 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 23 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 24 individually and as a peace officer; and DOES 1-10 deprived Plaintiffs and
 25 DECEDENT of the rights and liberties secured to them by the Fourteenth
 26 Amendment to the United States Constitution, in that said defendants and their
 27 supervising and managerial employees, agents, and representatives, acting with
 28

1 gross negligence and with reckless and deliberate indifference to the rights and
 2 liberties of the public in general, and of Plaintiffs and DECEDENT, and of persons
 3 in their class, situation and comparable position in particular, knowingly
 4 maintained, enforced and applied an official recognized custom, policy, and
 5 practice of:

- 6 **a.** Employing and retaining as sheriff's deputies and police
 7 officers and other personnel, including Defendants DEPUTY
 8 RICHARD REYES #4388, individually and as a peace officer;
 9 DEPUTY DEYLAN KENNEDY #4823, individually and as a
 10 peace officer; CPL DAVID CLARK #3876, individually and as
 11 a peace officer; SGT. JOHN CARLBERG #2290, individually
 12 and as a peace officer; CPL KARL SMITH #2411, individually
 13 and as a peace officer; DEPUTY DENNIS PLETA #3252,
 14 individually and as a peace officer; DEPUTY ELVIS
 15 MORALES #4114, individually and as a peace officer;
 16 DEPUTY CHRIS LOUCKS #3774, individually and as a peace
 17 officer; and DOES 1-10 deputies and officers, who Defendants
 18 DEPUTY RICHARD REYES #4388, individually and as a
 19 peace officer; DEPUTY DEYLAN KENNEDY #4823,
 20 individually and as a peace officer; CPL DAVID CLARK
 21 #3876, individually and as a peace officer; SGT. JOHN
 22 CARLBERG #2290, individually and as a peace officer; CPL
 23 KARL SMITH #2411, individually and as a peace officer;
 24 DEPUTY DENNIS PLETA #3252, individually and as a peace
 25 officer; DEPUTY ELVIS MORALES #4114, individually and
 26 as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 27
 28

1 individually and as a peace officer; and DOES 1-10, at all times
 2 material herein knew or reasonably should have known had
 3 dangerous propensities for abusing their authority and for
 4 mistreating citizens by failing to follow written COUNTY
 5 Sheriff's Department policies and CITY Police Department
 6 policies, including the use of excessive and deadly force;

7 **b.** Of inadequately supervising, training, controlling, assigning,
 8 and disciplining COUNTY Sheriff's deputies and CITY Police
 9 officers, and other personnel, including Defendants DEPUTY
 10 RICHARD REYES #4388, individually and as a peace officer;
 11 DEPUTY DEYLAN KENNEDY #4823, individually and as a
 12 peace officer; CPL DAVID CLARK #3876, individually and as
 13 a peace officer; SGT. JOHN CARLBERG #2290, individually
 14 and as a peace officer; CPL KARL SMITH #2411, individually
 15 and as a peace officer; DEPUTY DENNIS PLETA #3252,
 16 individually and as a peace officer; DEPUTY ELVIS
 17 MORALES #4114, individually and as a peace officer;
 18 DEPUTY CHRIS LOUCKS #3774, individually and as a peace
 19 officer; and DOES 1-10 who COUNTY and CITY knew or in
 20 the exercise of reasonable care should have known had the
 21 aforementioned propensities and character traits, including the
 22 propensity for violence and the use of excessive force;

23
 24 **c.** By maintaining grossly inadequate procedures for reporting,
 25 supervising, investigating, reviewing, disciplining and
 26 controlling the intentional misconduct by Defendants DEPUTY
 27 RICHARD REYES #4388, individually and as a peace officer;
 28

DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES 1-10, who are Sheriff's Deputies of COUNTY and Police Officers of CITY;

d. By failing to discipline COUNTY Sheriff's Deputies and CITY Police Officers' conduct, including but not limited to, unlawful detention and excessive and deadly force;

e. By ratifying the intentional misconduct of Defendants DEPUTY RICHARD REYES #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES 1-10 and other sheriffs and officers, who are Sheriff's Deputies of COUNTY and Police Officers of CITY;

- 1 **f.** By having and maintaining an unconstitutional policy, custom
 2 and practice of detaining and arresting individuals without
 3 probable cause or reasonable suspicion, and using excessive
 4 force, including deadly force, which also is demonstrated by
 5 inadequate training regarding these subjects. The policies,
 6 customs and practices of Defendants DEPUTY RICHARD
 7 REYES #4388, individually and as a peace officer; DEPUTY
 8 DEYLAN KENNEDY #4823, individually and as a peace
 9 officer; CPL DAVID CLARK #3876, individually and as a
 10 peace officer; SGT. JOHN CARLBERG #2290, individually
 11 and as a peace officer; CPL KARL SMITH #2411, individually
 12 and as a peace officer; DEPUTY DENNIS PLETA #3252,
 13 individually and as a peace officer; DEPUTY ELVIS
 14 MORALES #4114, individually and as a peace officer;
 15 DEPUTY CHRIS LOUCKS #3774, individually and as a peace
 16 officer; and DOES 1-10, were done with a deliberate
 17 indifference to individuals' safety and rights; and
 18
 19 **g.** By failing to properly investigate claims of unlawful detention
 20 and excessive force by COUNTY Sheriff's Deputies and CITY
 21 Police Officers.

22 75. By reason of the aforementioned policies and practices of Defendants
 23 DEPUTY RICHARD REYES #4388, individually and as a peace officer;
 24 DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL
 25 DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN
 26 CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH
 27 #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252,
 28

1 individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 2 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 3 individually and as a peace officer; and DOES 1-10, DECEDENT was severely
 4 injured and subjected to pain and suffering and lost his life and earning capacity
 5 for which THE ESTATE OF RAYMOND JOHNSON is entitled to recover
 6 damages.

7 76. Defendants DEPUTY RICHARD REYES #4388, individually and as
 8 a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a
 9 peace officer; CPL DAVID CLARK #3876, individually and as a peace officer;
 10 SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 11 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 12 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 13 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 14 individually and as a peace officer; and DOES 1-10, together with various other
 15 officials, whether named or unnamed, had either actual or constructive knowledge
 16 of the deficient policies, practices and customs alleged in the paragraphs above.
 17 Despite having knowledge as stated above these defendants condoned, tolerated
 18 and through actions and inactions thereby ratified such policies. Said defendants
 19 also acted with deliberate indifference to the foreseeable effects and consequences
 20 of these policies with respect to the constitutional rights of DECEDENT, Plaintiffs,
 21 and other individuals similarly situated.

22 77. By perpetrating, sanctioning, tolerating and ratifying the outrageous
 23 conduct and other wrongful acts, Defendants DEPUTY RICHARD REYES #4388,
 24 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 25 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 26 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 27
 28

1 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 2 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 3 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 4 LOUCKS #3774, individually and as a peace officer; and DOES 1-10, acted with
 5 an intentional, reckless, and callous disregard for the life of DECEDENT, and
 6 DECEDENT's and Plaintiffs' constitutional rights. Defendant DOES 1-40, each
 7 of their actions were willful, wanton, oppressive, malicious, fraudulent, and
 8 extremely offensive and unconscionable to any person of normal sensibilities.

9 78. Furthermore, the policies practices, and customs implemented and
 10 maintained and still tolerated by Defendants DEPUTY RICHARD REYES #4388,
 11 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 12 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 13 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 14 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 15 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 16 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 17 LOUCKS #3774, individually and as a peace officer; and DOES 1-10, were
 18 affirmatively linked to and were significantly influential force behind the injuries
 19 of DECEDENT and Plaintiffs.
 20

21 79. By reason of the aforementioned acts and omissions of Defendants
 22 DEPUTY RICHARD REYES #4388, individually and as a peace officer;
 23 DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL
 24 DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN
 25 CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH
 26 #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252,
 27 individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 28

1 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 2 individually and as a peace officer; and DOES 1-10, Plaintiffs were caused to incur
 3 funeral and related burial expenses, loss of gifts and benefits and loss of financial
 4 support.

5 80. By reason of the aforementioned acts and omissions of Defendants
 6 DEPUTY RICHARD REYES #4388, individually and as a peace officer;
 7 DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL
 8 DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN
 9 CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH
 10 #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252,
 11 individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 12 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 13 individually and as a peace officer; and DOES 1-10, Plaintiffs have suffered loss of
 14 love, companionship, affection, comfort, care, society, and future support.

15 81. Accordingly, Defendants COUNTY OF RIVERSIDE, CITY OF
 16 MORENA VALLEY, DEPUTY RICHARD REYES #4388, individually and as a
 17 peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace
 18 officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT.
 19 JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 20 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 21 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 22 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 23 individually and as a peace officer; and DOES 1-10, each are liable to Plaintiffs for
 24 compensatory damages under 42 U.S.C. § 1983.
 25

26 82. Plaintiffs seek wrongful death damages under this claim in the amount
 27 of \$30,000,000.00.
 28

83. Plaintiffs also seek attorney fees under this claim.

SIXTH CAUSE OF ACTION

False Arrest – Wrongful Death

(Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS, QUEON BOYD ISLAM, LASIERRA CAIN, R.J., R.L.J., THE ESTATE OF RAYMOND JOHNSON against all Defendants and DOES 1-10, Inclusive)

84. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 83 of this Complaint with the same force and effect as if fully set forth herein.

85. Defendants DEPUTY RICHARD REYES #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES 1-10 while working as Sheriff's Deputies and Police Officers for COUNTY and CITY, and acting within the scope of their duties, intentionally deprived DECEDENT of his freedom of movement by use of force, including deadly force, threats of force, menace, fraud, deceit and unreasonable duress. Defendants DEPUTY RICHARD REYES #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY

1 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 2 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 3 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 also detained
 4 DECEDENT. Said detention was made without reasonable suspicion. There was
 5 an attempt to arrest DECEDENT. Said arrest was attempted without probable
 6 cause.

7 86. DECEDENT did not knowingly or voluntarily consent.

8 87. The conduct of Defendants DEPUTY RICHARD REYES #4388,
 9 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 10 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 11 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 12 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 13 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 14 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 15 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 was a
 16 substantial factor in causing the harm to DECEDENT.

17 88. COUNTY and CITY are vicariously liable for the wrongful acts of
 18 Defendants DEPUTY RICHARD REYES #4388, individually and as a peace
 19 officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace
 20 officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT.
 21 JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 22 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 23 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 24 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 25 individually and as a peace officer; and DOES 1-10 pursuant to section 815.2(a) of
 26 the California Government Code, which provides that a public entity is liable for
 27
 28

1 injuries causes by its employees within the scope of the employment if the
2 employee's act would subject him or her to liability.

3 89. The conduct of Defendants DEPUTY RICHARD REYES #4388,
4 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
5 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
6 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
7 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
8 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
9 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
10 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 was
11 malicious, wanton, oppressive, and accomplished with a conscious disregard for
12 the rights of DECEDENT, entitling Plaintiffs to an award of exemplary and
13 punitive damages.

14 90. LASIERRA CAIN was dependent on the DECEDENT, including
15 financially dependent.

16 91. DIANIA RIVAS was dependent on the DECEDENT, including
17 financially dependent.

18 92. LORENZO JOHNSON was dependent on the DECEDENT, including
19 financially dependent.

20 93. Plaintiffs are seeking wrongful death damages under this claim in the
21 amount of \$30,000,000.00.

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SEVENTH CAUSE OF ACTION

Battery - Cal. Govt. Code § 820 – Wrongful Death

(Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS, QUEON BOYD ISLAM, LASIERRA CAIN, R.J., R.L.J., THE ESTATE OF RAYMOND JOHNSON against all Defendants and DOES 1-10, Inclusive)

94. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 93 of this Complaint with the same force and effect as if fully set forth herein.

95. Defendants DEPUTY RICHARD REYES #4388, individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES 1-10, while working as a Sheriff's Deputies for the COUNTY Sheriff's Department and while working as a Police Officer for the CITY Police Department, and acting within the course and scope of their duties, intentionally beat DECEDENT to death. As a result of the actions by the defendants, DECEDENT suffered severe pain and suffering and ultimately died from his injuries and lost earning capacity for which THE ESTATE OF RAYMOND JOHNSON is entitled to recover damages. Defendants had no legal justification for using force against DECEDENT, and said defendants' force was unreasonable, especially since DECEDENT did not commit any crime and was unarmed when he was beaten to death.

1 96. As a direct and proximate result of defendants' conduct as alleged
 2 above, Plaintiffs suffered extreme and severe mental anguish and pain and have
 3 been injured in mind and body. Plaintiffs also have been deprived of their life-long
 4 love, companionship, comfort, support, society, care and sustenance of
 5 DECEDENT, and will continue to be so deprived for the remainder of their natural
 6 lives. Plaintiffs also are claiming funeral and burial expenses, loss of gifts and
 7 benefits and loss of financial support.

8 97. COUNTY and CITY are vicariously liable for the wrongful acts of
 9 Defendants DEPUTY RICHARD REYES #4388, individually and as a peace
 10 officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace
 11 officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT.
 12 JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
 13 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
 14 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
 15 individually and as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 16 individually and as a peace officer; and DOES 1-10 pursuant to section 815.2(a) of
 17 the California Government Code, which provides that a public entity is liable for
 18 injuries causes by its employees within the scope of the employment if the
 19 employee's act would subject him or her to liability.
 20

21 98. The conduct of Defendants DEPUTY RICHARD REYES #4388,
 22 individually and as a peace officer; DEPUTY DEYLAN KENNEDY #4823,
 23 individually and as a peace officer; CPL DAVID CLARK #3876, individually and
 24 as a peace officer; SGT. JOHN CARLBERG #2290, individually and as a peace
 25 officer; CPL KARL SMITH #2411, individually and as a peace officer; DEPUTY
 26 DENNIS PLETA #3252, individually and as a peace officer; DEPUTY ELVIS
 27 MORALES #4114, individually and as a peace officer; DEPUTY CHRIS
 28

1 LOUCKS #3774, individually and as a peace officer; and DOES 1-10 was
 2 malicious, wanton, oppressive, and accomplished with a conscious disregard for
 3 the rights of DECEDENT, entitling Plaintiffs to an award of exemplary and
 4 punitive damages.

5 99. LASIERRA CAIN was dependent on the DECEDENT, including
 6 financially dependent.

7 100. DIANIA RIVAS was dependent on the DECEDENT, including
 8 financially dependent.

9 101. LORENZO JOHNSON was dependent on the DECEDENT, including
 10 financially dependent.

11 102. Plaintiffs are seeking wrongful death damages under this claim in the
 12 amount of \$30,000,000.00.

13 EIGHTH CAUSE OF ACTION

14 Negligence – Cal. Govt. Code § 820 – Wrongful Death

15 (Plaintiffs LAWANDA JOHNSON, LORENZO JOHNSON, DIANIA RIVAS,
 16 QUEON BOYD ISLAM, LASIERRA CAIN, R.J., R.L.J., THE ESTATE OF
 17 RAYMOND JOHNSON against all Defendants and DOES 1-10, Inclusive)
 18

19 103. Plaintiffs repeat and reallege each and every allegation in paragraphs
 20 1 through 102 of this Complaint with the same force and effect as if fully set forth
 21 herein.

22 104. The actions and inactions of the Defendants DEPUTY RICHARD
 23 REYES #4388, individually and as a peace officer; DEPUTY DEYLAN
 24 KENNEDY #4823, individually and as a peace officer; CPL DAVID CLARK
 25 #3876, individually and as a peace officer; SGT. JOHN CARLBERG #2290,
 26 individually and as a peace officer; CPL KARL SMITH #2411, individually and as
 27 a peace officer; DEPUTY DENNIS PLETA #3252, individually and as a peace
 28

1 officer; DEPUTY ELVIS MORALES #4114, individually and as a peace officer;
 2 DEPUTY CHRIS LOUCKS #3774, individually and as a peace officer; and DOES
 3 1-10 were negligent and reckless, including but not limited to:

- 4 a. The failure to properly assess the need to detain, arrest, and use
 5 force or deadly force against DECEDENT;
- 6 b. The negligent tactics and handling of the situation with
 7 DECEDENT, including the pre-beating negligence;
- 8 c. The negligent detention, arrest, and use of force, including
 9 deadly force, against DECEDENT;
- 10 d. The failure to provide prompt medical care to DECEDENT;
- 11 e. The failure to properly train and supervise employees, both
 12 professional and non-professional, including Defendants
 13 DEPUTY RICHARD REYES #4388, individually and as a
 14 peace officer; DEPUTY DEYLAN KENNEDY #4823,
 15 individually and as a peace officer; CPL DAVID CLARK
 16 #3876, individually and as a peace officer; SGT. JOHN
 17 CARLBERG #2290, individually and as a peace officer; CPL
 18 KARL SMITH #2411, individually and as a peace officer;
 19 DEPUTY DENNIS PLETA #3252, individually and as a peace
 20 officer; DEPUTY ELVIS MORALES #4114, individually and
 21 as a peace officer; DEPUTY CHRIS LOUCKS #3774,
 22 individually and as a peace officer; and DOES 1-10;
- 23 f. The failure to ensure that adequate numbers of employees with
 24 appropriate education and training were available to meet the
 25 needs of and protect the rights of DECEDENT;
- 26 g. The negligent handling of evidence and witnesses.
- 27
- 28

1 105. As a direct and proximate result of defendants' conduct as alleged
2 above, and other undiscovered negligent conduct, DECEDENT was caused to
3 suffer severe pain and suffering and ultimately died and lost earning capacity for
4 which THE ESTATE OF RAYMOND JOHNSON is entitled to recover damages.
5 Also as a direct and proximate result of defendants' conduct alleged above,
6 Plaintiffs suffered extreme and severe mental anguish and pain and have been
7 injured in mind and body. Plaintiffs also have been deprived of the life-long love,
8 companionship, comfort, support, society, care and sustenance of DECEDENT,
9 and will continue to be so deprived for the remainder of their natural lives.
10 Plaintiffs are also claiming funeral and burial expenses, loss of gifts and benefits
11 and loss of financial support.

12 106. COUNTY and CITY are vicariously liable for the wrongful acts of
13 Defendants DEPUTY RICHARD REYES #4388, individually and as a peace
14 officer; DEPUTY DEYLAN KENNEDY #4823, individually and as a peace
15 officer; CPL DAVID CLARK #3876, individually and as a peace officer; SGT.
16 JOHN CARLBERG #2290, individually and as a peace officer; CPL KARL
17 SMITH #2411, individually and as a peace officer; DEPUTY DENNIS PLETA
18 #3252, individually and as a peace officer; DEPUTY ELVIS MORALES #4114,
19 individually and as a peace officer; and DOES 1-10 pursuant to section 815.2(a) of
20 the California Government Code, which provides that a public entity is liable for
21 injuries caused by its employees within the scope of the employment if the
22 employee's act would subject him or her to liability.

24 107. LASIERRA CAIN was dependent on the DECEDENT, including
25 financially dependent.

26 108. DIANIA RIVAS was dependent on the DECEDENT, including
27 financially dependent.
28

1 109. LORENZO JOHNSON was dependent on the DECEDENT, including
2 financially dependent.

3 110. Plaintiffs are seeking wrongful death damages under this claim in the
4 amount of \$30,000,000.00.

5 **WHEREFORE**, Plaintiffs requests relief as hereinafter provided.

6 **PRAYER FOR RELIEF**

7 1. For compensatory damages, including both survival damages and
8 wrongful death damages under federal and state law, in the amount of
9 \$30,000,000.00 or an amount to be proven at trial;

10 2. For funeral expenses and loss of financial support;

11 3. For punitive damages against the individual defendants in an amount
12 of \$50,000,000.00 or an amount to be proven at trial;

13 4. For prejudgment interest;

14 5. For an award of general and special damages in the amount to be
15 proven at trial;

16 6. For reasonable costs of this suit incurred herein;

17 7. For reasonable attorney's fees and costs as provided by law;

18 8. For such further other relief as the Court may deem just, proper and
19 appropriate.
20

21
22 Dated: July 31, 2014

IVIE, McNEILL & WYATT

23
24 By: _____/s/ Rodney S. Diggs_____

25 **RICKEY IVIE**

26 **RODNEY S. DIGGS**

27 Attorneys for Plaintiffs
28

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

Dated: July 31, 2014

IVIE, McNEILL & WYATT

By: /s/ Rodney S. Diggs

RICKEY IVIE

RODNEY S. DIGGS

Attorneys for Plaintiffs

DECLARATIONS

DECLARATION OF LAWANDA JOHNSON

1
2 1. The decedent's name who is the subject of this action for wrongful death is
3 RAYMOND JOHNSON.

4 2. On Friday, October 11, 2013, at approximately 6:00 p.m., DECEDENT was
5 in his car of the Burger King drive-thru located at 23125 Hemlock Ave, Moreno
6 Valley, California 92557.

7 3. No proceeding is now pending in California for administration of the
8 DECEDENT's estate.

9 4. I am the widow of the DECEDENT and I am the DECEDENT's successor
10 in interest (as defined in Section 377.11 of the California Code of Civil Procedure)
11 and succeeds to the DECEDENT's interest in the action or proceeding.

12 5. QUEON BOYD ISLAM, LASIERRA CAIN, R.J., and R.L.J. are bringing
13 this claim with me and are the only other persons having the right to commence the
14 action or proceeding.

15 I declare under penalty of perjury under the law of the State of California
16 that the foregoing is true and correct.

17
18 Dated: March 6, 2014

____/s/ Lawanda Johnson____
Lawanda Johnson, Declarant

DECLARATION OF QUEON BOYD ISLAM

1. The decedent's name who is the subject of this action for wrongful death is RAYMOND JOHNSON.

2. On Friday, October 11, 2013, at approximately 6:00 p.m., DECEDENT was in his car of the Burger King drive-thru located at 23125 Hemlock Ave, Moreno Valley, California 92557.

3. No proceeding is now pending in California for administration of the DECEDENT's estate.

4. I am the biological son of the DECEDENT and I am the DECEDENT's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) LAWANDA JOHNSON, LASIERRA CAIN, R.J., and R.L.J. are bringing this claim with me and are the only other persons having the right to commence the action or proceeding.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Dated: March 6, 2014

____/s/ Queon Boyd Islam____
Queon Boyd Islam, Declarant

DECLARATION OF LASIERRA CAIN

1
2 1. The decedent's name who is the subject of this action for wrongful death is
3 RAYMOND JOHNSON.

4 2. On Friday, October 11, 2013, at approximately 6:00 p.m., DECEDENT was
5 in his car of the Burger King drive-thru located at 23125 Hemlock Ave, Moreno
6 Valley, California 92557.

7 3. No proceeding is now pending in California for administration of the
8 DECEDENT's estate.

9 4. I am the step-daughter of the DECEDENT and I am the DECEDENT's
10 successor in interest (as defined in Section 377.11 of the California Code of Civil
11 Procedure) and succeeds to the DECEDENT's interest in the action or proceeding.

12 5. LASIERRA CAIN was raised by DECEDENT from the day of her birth
13 until DECEDENT was unlawfully beaten to death by Defendants. DECEDENT
14 was the only father that LASIERRA CAIN knew. DECEDENT was LASIERRA
15 CAIN's putative father. LASIERRA CAIN and DECEDENT maintained a parent-
16 child relationship from the time LASIERRA CAIN's birth until DECEDENT's
17 death and DECEDENT would have adopted LASIERRA CAIN but for a legal
18 barrier pursuant to Probate Code Section 6454.

19 6. QUEON BOYD ISLAM, LAWANDA JOHNSON, R.J., and R.L.J. are
20 bringing this claim with me and are the only other persons having the right to
21 commence the action or proceeding.

22 I declare under penalty of perjury under the law of the State of California
23 that the foregoing is true and correct.

24
25 Dated: March 6, 2014

_____/s/ LaSierra Cain_____
LaSierra Cain, Declarant

DECLARATION OF SAMUEL HOUSE, GUADIAN AD LITEM FOR R.J.

1. The decedent's name who is the subject of this action for wrongful death is RAYMOND JOHNSON.

2. On Friday, October 11, 2013, at approximately 6:00 p.m., DECEDENT was in his car of the Burger King drive-thru located at 23125 Hemlock Ave, Moreno Valley, California 92557.

3. No proceeding is now pending in California for administration of the DECEDENT's estate.

4. I am the grandfather of the minor who is the biological son of the DECEDENT.

5. QUEON BOYD ISLAM, LASIERRA CAIN, and R.L.J. are bringing this claim and are the only persons having the right to commence the action or proceeding.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Dated: July 31, 2014

____/s/ Samuel House____
Samuel House, Declarant

DECLARATION OF SAMUEL HOUSE, GUADIAN AD LITEM FOR R.L.J.

6. The decedent's name who is the subject of this action for wrongful death is RAYMOND JOHNSON.

7. On Friday, October 11, 2013, at approximately 6:00 p.m., DECEDENT was in his car of the Burger King drive-thru located at 23125 Hemlock Ave, Moreno Valley, California 92557.

8. No proceeding is now pending in California for administration of the DECEDENT's estate.

9. I am the grandfather of the minor who is the biological son of the DECEDENT.

10. QUEON BOYD ISLAM, LASIERRA CAIN, R.J. are bringing this claim and are the only persons having the right to commence the action or proceeding.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Dated: July 31, 2014

____/s/ Samuel House____
Samuel House, Declarant